STATEMENT OF SUBSTANCE OF INTERVIEW

Initially, Applicant wishes to thank the Examiner for conducting an in-person interview with Applicant's representative, Patrick Reed, on March 3, 2009. Applicant wishes to thank the Examiner for his time and consideration.

During the interview, the Examiner and Applicant's representative discussed the differences in the cited references with respect to the claims.

Proposed claim amendments for clarification were also discussed during the interview. Applicant's representative understands the Examiner to tentatively agree that the claims, amended for clarification as discussed during the interview, would be allowable over at least the references cited, subject to further search.

Accordingly, without conceding the propriety of the rejections and in the interest of expediting allowance of the application, Applicant herein amends claims 1, 22, 35, 40, 45, and 64 for clarification as discussed during the interview.

Claims 1-50, 53-68, and 70-75 are believed to be allowable for at least these reasons.

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-50, 53-68, and 70-75 are pending in the application, with claims 1, 22, 35, 40, 45, and 64 being independent. Applicant herein amends claims 1, 22, 35, 40, 45, and 64 in the manner discussed in the interview. Support for the claim amendments can be found in the original disclosure at least at Fig. 3, page 13, line 1 to page 14, line 12, and page 9, lines 13-24. No new matter has been added.

§ 103 REJECTIONS

A. Claims 1-3, 6-24, 28-32, 34-47, 53-66, and 70-75 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Pub. No. 2005/0097599 A1 to Plotnick et al. (hereinafter "Plotnick") in view of U.S. Patent Application Pub. No. 2005/0273828 to Barton (hereinafter "Barton"), in further view of U.S. Patent Application Pub. No. 2004/0045025 A1 to Ward (hereinafter "Ward"). Applicant respectfully traverses the rejection.

Nevertheless, without conceding the propriety of the rejection, and in the interest of expediting allowance of the application, claims 1, 22, 35, 40, 45, and 64 have been amended for clarification as discussed in the interview and are, therefore, believed to be allowable.

Independent claims 1, 22, 35, 40, 45, and 64, as presently amended, recite

in part:

> wherein the electronic program guide is configured
> to display program listings, each program listing displayed
> in a cell, **each cell containing a program listing also
> displaying at least one corresponding advertisement**, the
> cell corresponding to at least one of a time of day, a type of
> a program, or a program channel on which the associated
> media content data is to be broadcast

Applicant respectfully submits that Plotnick, Barton, and Ward, whether

taken alone or in combination, fail to disclose, teach, or suggest the features of

independent claims 1, 22, 35, 40, 45, and 64.

Plotnick, Barton, and Ward Fail to Disclose, Teach, or Suggest the

Features of Independent Claims 1, 22, 35, 40, 45, and 64.

Plotnick is directed to "[p]resenting viewers with an alternative brief

version of a recorded advertisement when they choose to fast-forward through or

skip (or any other trick play event) the recorded advertisement." (Plotnick,

Abstract). An alternate or entirely unrelated advertisement can also be displayed

as the trick play advertisement. (Plotnick, para. 59). More specifically, Plotnick

describes an ad targeting system which monitors and "analyze[s] viewer behavior

(shows watched, channel surfing habits, commercial watching, etc.), [creating]

viewer profiles (demographic, psychographic, and behavioral attributes), [and]

select[ing] and present[ing] advertisements based on user profiles derived from one of the following: a demographic database, volunteered information, profiles, or an autonomous agent." (Plotnick, para. 131).

Barton is directed to "a method wherein the first or last number of seconds of a commercial break are carefully authored to provide a 'teaser' to entice the viewer to watch multiple commercials during the commercial break instead of skipping the commercial break using the fast forward or jump functions of [a] DVR. (Barton, Abstract). "A bookending function displays an advertisement before and/or after a program that has been recorded on the DVR's storage device is played to the viewer." (Barton, Abstract). Specifically, the method of Barton retrieves an advertisement, and displays it prior to a selected program that has been previously recorded is run. (Barton, Abstract).

Ward is directed to a "system and method for utilizing data stored in an EPG database for modifying advertisement information. (Ward, Abstract). Specifically, Ward discusses a method where "a service provider and/or advertiser can transmit a single advertisement to all the television stations regardless of their geographic location and other user specific information." (Id.). The geographic location-specific information for each program is retrieved from EPG data, and inserted into associated advertisements destined for the corresponding geographic location. (Id.).

While Plotnick, Barton, and Ward discuss presenting a customized advertisement, an alternate advertisement, or a portion of an advertisement to a

viewer of previously recorded programming, Plotnick, Barton, and Ward fail to disclose, teach, or suggest *"wherein the electronic program guide is configured to display program listings, each program listing displayed in a cell,* **each cell containing a program listing also displaying at least one corresponding advertisement**, *the cell corresponding to at least one of a time of day, a type of a program, or a program channel on which the associated media content data is to be broadcast"* as recited in amended independent claims 1, 22, 35, 40, 45, and 64. Thus, for at least these reasons, Plotnick, Barton, and Ward, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose, teach, or suggest the features of independent claims 1, 22, 35, 40, 45, and 64, amended as discussed in the interview. Independent claims 1, 22, 35, 40, 45, and 64 are allowable for at least these reasons.

Dependent claims 2-3 and 6-21 depend from independent claim 1, **dependent claims 23-24 and 28-32, and 34** depend from independent claim 22, **dependent claims 36-39** depend from independent claim 35, **dependent claims 41-44** depend from independent claim 40, **dependent claims 46-47 and 53-63** depend from independent claim 45, and **dependent claims 65-66 and 70-75** depend from independent claim 64. Dependent claims 2-3, 6-21, 23-24, 28-32, 34, 36-39, 41-44, 46-47, 53-63, 65-66, and 70-75 are allowable by virtue of this dependency, as well as for additional features that each recites.

B. Claims 4-5, 25-27, 48-50, and 67-68 stand rejected under 35 U.S.C. § 103(a) as being obvious over Plotnick in view of Barton, in further view of Ward, and in further view of U.S. Patent No. 6,909,837 B1 to Unger (hereinafter "Unger"). Applicant respectfully traverses the rejection.

Dependent claims 4-5 depend from independent claim 1, **dependent claims 25-27** depend from independent claim 22, **dependent claims 48-50** depend from independent claim 45, and **dependent claims 67-68** depend from independent claim 64. Dependent claims 4-5, 25-27, 48-50, and 67-68 are allowable by virtue of this dependency, as well as for additional features that each recites.

As discussed above, Plotnick, Barton, and Ward, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose, teach, or suggest the features of independent claims 1, 22, 45 and 64, amended as discussed in the interview. Further, Unger fails to remedy the deficiencies in Plotnick, Barton, and Ward with regard to independent claims 1, 22, 45 and 64.

Unger is directed to a system of tagging frames of commercials that are recorded during the recording of video programming. (Unger, Abstract). When a user executes a fast forward (or other trick operation) during playback of the recording, the tagged frames are displayed as a static image or a condensed video clip. (Unger, Abstract). Generally, Unger describes presenting an advertising

message to a user while the user skips the full-length commercials recorded during the program. (Unger, Abstract).

However, Unger fails to disclose, teach, or suggest *"wherein the electronic program guide is configured to display program listings, each program listing displayed in a cell, **each cell containing a program listing also displaying at least one corresponding advertisement**, the cell corresponding to at least one of a time of day, a type of a program, or a program channel on which the associated media content data is to be broadcast"* as recited in amended independent claims 1, 22, 45, and 64. Therefore, Unger fails to remedy the deficiencies in Plotnick, Barton, and Ward with regard to independent claims 1, 22, 45 and 64.

Plotnick, Barton, Ward and Unger, taken alone or in combination, (assuming for the sake of argument that they can be combined), fail to disclose, teach, or suggest the features of independent claims 1, 22, 45 and 64. Thus, Plotnick, Barton, Ward, and Unger, taken alone or in combination fail to disclose, teach, or suggest the features of dependent claims 4-5, 25-27, 48-50, and 67-68 by virtue of their dependency on independent claims 1, 22, 45 and 64. Dependent claims 4-5, 25-27, 48-50, and 67-68 are allowable for at least these reasons, as well as for additional features that each recites.

C. Claim 33 stands rejected under 35 U.S.C. § 103(a) as being obvious over Plotnick in view of Barton, in further view of Ward, and in further view

of U.S. Patent No. 7,076,202 B1 to Billmaier (hereinafter "Billmaier"). Applicant respectfully traverses the rejection.

Dependent claim 33 depends from independent claim 22, and is allowable by virtue of this dependency, as well as for additional features that it recites.

As discussed above, Plotnick, Barton, and Ward, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose, teach, or suggest the features of independent claim 22, amended as discussed in the interview. Further, Billmaier fails to remedy the deficiencies in Plotnick, Barton, and Ward with regard to independent claim 22.

Billmaier is directed to an electronic program guide for the radio, depicting radio programs available via the Internet or analog transmission. (Billmaier, Abstract). "The radio EPG displays the programming available for a plurality of radio stations and time slots." (Id.). Billmaier suggests that the radio EPG may be implemented using wireless technology so that mobile devices such as cellular phones and the like may receive and display the EPG.

However, Billmaier fails to disclose, teach, or suggest *"wherein the electronic program guide is configured to display program listings, each program listing displayed in a cell,* **each cell containing a program listing also displaying at least one corresponding advertisement**, *the cell corresponding to at least one of a time of day, a type of a program, or a program channel on which the associated media content data is to be broadcast"* as recited in amended

independent claim 22. Therefore, Billmaier fails to remedy the deficiencies in Plotnick, Barton, and Ward with regard to independent claim 22.

Plotnick, Barton, Ward and Billmaier, taken alone or in combination, (assuming for the sake of argument that they can be combined), fail to disclose, teach, or suggest the features of independent claim 22. Thus, Plotnick, Barton, Ward and Billmaier, taken alone or in combination fail to disclose, teach, or suggest the features of dependent claim 33 by virtue of its dependency on independent claim 22. Dependent claim 33 is allowable for at least these reasons, as well as for additional features that it recites.

CONCLUSION

For at least the foregoing reasons, claims 1-50, 53-68, and 70-75 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance. If any issue remains unresolved that would prevent allowance of this case, Applicant requests that the Examiner contacts the undersigned attorney to resolve the issue.

Respectfully submitted,

Lee & Hayes, PLLC
Representatives for Applicant

/Patrick D.S. Reed/   Dated: March 24, 2009

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